

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

TFORCE WORLDWIDE, INC.,)	
)	
Plaintiff,)	
)	
v.)	1:21CV722
)	
ESC BRANDS, LLC,)	
)	
Defendant.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on December 12, 2022, was served on the parties in this action. (ECF Nos. 32, 33.) Defendant filed objections to the Magistrate Judge's Recommendation, (*see* ECF No. 35), to which Plaintiff responded, (*see* ECF No. 36).

The Court has appropriately reviewed the Magistrate Judge's Recommendation and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Summary Judgment Motion, (ECF No. 27), is **GRANTED** with regard to Plaintiff's unjust enrichment claim, Defendant's affirmative defenses of setoff and recoupment, and Defendant's counterclaims for breach of contract and negligence, and is **DENIED IN PART** as moot with regard to Defendant's claims for consequential damages and lost profits.

This, the 26th day of January 2023.

/s/ Loretta C. Biggs
United States District Judge